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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MICHAEL MOI, an individual,  
10 Plaintiff,

11 v.

12 CHIHULY STUDIO, INC., a Washington  
corporation; DALE CHIHULY,  
13 individually and as a married person;  
LESLIE CHIHULY, individually and as a  
14 married person,  
15 Defendants.

No. 2:17-cv-00853

DECLARATION OF HARRY H.  
SCHNEIDER, JR. IN SUPPORT OF  
MOTION TO FILE DOCUMENT UNDER  
SEAL (COMPLAINT)

16 Harry H. Schneider, Jr. states:

17 1. I am a partner of the law firm Perkins Coie LLP and lead counsel for defendants  
18 Chihuly, Inc., Dale Chihuly, and Leslie Chihuly (collectively, "Defendants") in this action. I  
19 make this declaration based on personal knowledge about which I am competent to testify.

20 2. Plaintiff Michael Moi served Defendants with a Summons and Complaint on  
21 May 15, 2017. On information and belief, Plaintiff has not yet filed the Complaint in Superior  
22 Court.

23 3. Under Washington's Civil Rules for Superior Court, an action in state court is  
24 deemed commenced upon service *or* filing of the Complaint, whichever occurs first. CR 3(a);  
25 *accord* RCW 4.28.020. Accordingly, this action was commenced under Washington law on May  
26

DECLARATION OF HARRY H. SCHNEIDER, JR. IN  
SUPPORT OF MOTION TO FILE DOCUMENT  
UNDER SEAL (No. 2:17-cv-00853) – 1

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 15, 2017, even though Plaintiff had not yet filed the Complaint with the Superior Court of  
2 Washington for King County ("King County Superior Court").

3 4. Defendants elected to remove this action to federal court based on the presence of  
4 a federal question arising out of Plaintiff's claim of copyright ownership under the United States  
5 Copyright Law. In order to timely remove the action within 30 days of May 15, 2017,  
6 Defendants filed the Complaint along with their removal papers in King County Superior Court  
7 this morning, June 2, 2017. The Complaint was assigned King County Superior Court Cause  
8 No. 17-2-14150-0 SEA by the King County Superior Court Clerk's office.

9 5. At the time of filing the removal papers, Defendants also filed a motion to redact  
10 a small portion of the Complaint to be filed in the public court file and to seal the unredacted  
11 original Complaint. The purpose of the redaction is to protect certain information that may be  
12 considered confidential by third parties (also previously represented by Plaintiff's counsel)  
13 pursuant to a written agreement.

14 6. I will be contacting counsel for Plaintiff contemporaneously with the completion  
15 of the removal proceedings this morning to meet and confer regarding the need to file the  
16 document under seal, to discuss alternative redactions, and to explore other alternatives to  
17 sealing. It was not feasible or advisable to contact Plaintiff's counsel prior to removal of this  
18 action based on a genuine concern that Plaintiff might try to quickly amend the Complaint in  
19 order to redraft the allegations to try to avoid federal removal jurisdiction based on the presence  
20 of a federal question.

21 **I declare under penalty of perjury under the laws of the United States**  
22 **that the foregoing is true and correct.**

23 EXECUTED this 2nd day of June, 2017.

24 s/Harry H. Schneider, Jr.

25 Harry H. Schneider, Jr.

26  
DECLARATION OF HARRY H. SCHNEIDER, JR. IN  
SUPPORT OF MOTION TO FILE DOCUMENT  
UNDER SEAL (No. 2:17-cv-00853) – 2

23641-0040/LEGAL135780999.2

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**CERTIFICATE OF SERVICE**

I certify that on June 2, 2017, I served the foregoing on the following attorney(s) of record of record by the method(s) indicated:

Anne Bremner  
Frey Buck, P.S.  
1200 Fifth Avenue  
Suite 1900  
Seattle, WA 98101  
Ph: (206) 486-8000  
abremner@freybuck.com

☐ Via U.S. Mail, 1st Class, Postage Prepaid  
☒ Via Hand Delivery  
☐ Via Overnight Delivery  
☐ Via Facsimile  
☐ Via Email

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 2nd day of June, 2017.

s/ Harry H. Schneider, Jr., WSBA No. 9404  
HSchneider@perkinscoie.com  
Perkins Coie LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099

DECLARATION OF HARRY H. SCHNEIDER, JR. IN  
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UNDER SEAL (No. 2:17-cv-00853) – 3

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